

REPORT TO PROCEDURES COMMITTEE – 25 MAY 2018

NOTICES OF MOTION

1 Recommendations

The Committee is recommended to:

- 1.1 consider the draft guidance on Notices of Motion as detailed in Appendix 1 and recommend it to Full Council for inclusion in the Scheme of Governance.**

2 Background / Discussion

- 2.1 The Committee, at its meeting on 19 January 2018, considered a report on Member Promoted Issues and Notices of Motion and requested further guidance on using Notices of Motion, which should be used by Members when seeking to have a matter considered at Full Council, Policy or Area Committee as provided for in Standing Order 4.2.
- 2.2 The guidance provided at Appendix 1 is intended to support Members to use Notices of Motion effectively, ensuring that good practice is encouraged and promoted. This guidance, if considered appropriate for use by the Committee, could be recommended to Full Council for approval, and for inclusion in Part 4 of the Scheme of Governance (Guidance).
- 2.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report, any comments received have been incorporated and they are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 The Committee is able to consider this item as the Procedures Committee has a remit to consider proposed changes to Aberdeenshire Council's Scheme of Governance and to make recommendations on required amendments.

4 Implications and Risk

- 4.1 An equality impact assessment is not required because the recommendations in this report do not have a differential impact on any of the protected characteristics.
- 4.2 There are no staffing and financial implications.
- 4.3 No risks have been identified in the Risk Registers.

Ritchie Johnson
Director of Business Services

Report prepared by Lauren Cowie, Acting Legal Services Manager and Ann Riddell,
Principal Committee Services Officer
28 February 2018

APPENDIX 1 – DRAFT GUIDANCE ON NOTICES OF MOTION

The Scheme of Governance makes provision for individual Members to raise matters for consideration at Full Council, Policy and Area Committee meetings. This may be in the form of a **Notice of Motion** or by using the **Mechanism for Member Promoted Issues** as provided for in Standing Order 4.2.

Both provisions are intended to provide a degree of flexibility. It is for Members to determine which method will best meet their requirements. This guidance is for Notices of Motion, there is separate guidance on Member Promoted Issues.

The procedure and timescale for the submission and consideration of a Notice of Motion is detailed in **Appendix A**.

For Full Council, this can be used to address matters in which the Council has a general interest and in the case of Area and Policy Committees, for any matter which can be regarded as competent business for that Committee based on its remit, as specified within Part 2A of the Scheme of Governance.

When determining the admissibility of the Notice of Motion for Full Council and whether the subject matter of the Notice of Motion is of general interest to Aberdeenshire Council, the Provost may have regard to any of the following:

1. the relevancy of the subject matter to Aberdeenshire;
2. any impact on local concerns and issues;
3. any impact on residents of Aberdeenshire;
4. the work and functions of Aberdeenshire Council.

As examples of matters of general interest, Notices of Motion that have been admissible are –

- *Royal Bank of Scotland closures*, as a matter relevant to Aberdeenshire
- *Pausing of Universal Credit* as a matter that may impact local concerns and issues
- *Fair Transitional State Pension arrangements for all women born on or after 6 April 1951* as a matter that may impact residents of Aberdeenshire
- *Council commending the Aberdeenshire Child Protection Committee in response to child trafficking and exploitation*, as a matter relating to the work and functions of Aberdeenshire.

Prior to lodging a Notice of Motion, Members should take the opportunity to engage with the relevant Service on current action being taken and options available to have the subject matter addressed. This will assist Members in formulating the terms of the Notice of Motion. Guidance should also be sought from Legal and Governance on wording and competency.

Members must submit their Notice of Motion to the Director of Business Services (or the appropriate Area Manager in respect of Notices of Motion to Area Committees) and should set out the proposal succinctly and clearly. When submitting a Notice of Motion, Members should provide information to the Director, or Area Manager, where appropriate, on any steps taken to have the subject matter dealt with by the relevant Service.

Notices of Motion are not always guaranteed to be at the start of the meeting. If the Notice of Motion relates to an item of business that is on the agenda of the meeting, if deemed admissible, the Chair will indicate that the Notice of Motion will be considered at the time of the item of the related business.

Otherwise, if there is more than one Notice of Motion, they will be considered in the order of received by the Director of Business Services.

It should be noted that if the subject matter is already being dealt with by the service and is, or is due to be, reported to a future meeting of the Council/Committee, this may be a ground for inadmissibility at the discretion of the Provost/Chair.

For requests for urgent Notices of Motion which have been submitted after the deadline, the Chair will consider if the matter is genuinely urgent in considering its admissibility. In having regard as to whether the matter is urgent, the timing of when the issue first emerged may be considered, and whether that precluded normal procedure being followed.

APPENDIX A – NOTICE OF MOTION

Definition of Notice of Motion

1. A Notice of Motion is a proposal by a Member formally submitted in terms of the approved procedures to a Meeting of Council, Policy or Area Committee for discussion and thereafter possible adoption as a resolution.

When to use a Notice of Motion

2. For Council - to address matters specifically reserved to Council, as specified in Part 2A of the Scheme of Governance, or for matters in which the Council has a general interest.
3. For Area and Policy Committees - to address any matter which can be regarded as competent business for that Committee based on its remit, as specified within Part 2A of the Scheme of Governance.

How to submit a Notice of Motion

4. A Notice of Motion must be in a recorded format, identified as being from a Member and given or sent to the Director of Business Services (for Council and Policy Committee matters) or to the relevant Area Manager (for Area Committee matters) to be **received by noon, fourteen calendar days before the relevant next Ordinary Meeting**.
5. Notices of Motion may not be submitted for consideration at Special Meetings of Council, Area or Policy Committee.

At the Meeting

6. If a Member who has given a notice of motion is absent when it is to be considered at the Meeting for the first time, it shall be put on the agenda of the next ordinary Meeting. If, at the next ordinary Meeting, the Member is again absent, the notice of motion shall fall.
7. Any Member submitting a notice of motion to a Policy Committee or Area Committee for consideration, reporting or determination of the matter shall be invited to attend the Committee. If the mover (Member submitting the notice of motion) is not a member of the Committee, they may address that Committee. If the matter is sent to a Sub-Committee by the Committee, the mover shall be invited to attend and may address that Sub-Committee. Provided that unless the mover is a member of the Committee or Sub-Committee to which their motion is referred, they shall not be entitled to vote on the motion.
8. Any notice of motion remitted by the Council to a Committee or Sub Committee which is moved but not seconded shall be recorded in the Minutes.